

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **Bankruptcy No. 16-70837-JAD**
Clair E. Kelly and :
Brenda S. Kelly, : **Chapter 13**
Debtors :
Clair E. Kelly and : **Doc. No. 34**
Brenda S. Kelly, :
Movants : **Related to Docket No. 7**
v. :
Bank of America, :
Respondent :
Ronda J. Winnecour, Esquire, :
Chapter 13 Trustee, :
Additional Respondent :

INTERIM MORTGAGE MODIFICATION ORDER

On April 28, 2017, the above named Debtors and Respondent Bank of America (“Creditor”) entered into a trial modification (the “Trial Modification”), through the Court’s *Loss Mitigation Program* (LMP), with respect to the FIRST mortgage on the Debtor’s residence. The terms of the Trial Modification requires monthly payments in the amount of \$1,325.79 (“Trial Payments”) to begin on **JUNE 1, 2017** and to continue in that amount until **AUGUST 1, 2017** (the “Trial Modification Period”). In light of the need for an immediate change in the distribution to the Creditor, the Debtors request the Court to enter this *Interim Mortgage Modification Order* until a final, permanent modification can be presented to the Court for approval.

AND NOW, this **10th** day of **May, 2017**, for the foregoing reasons it is hereby
ORDERED, ADJUDGED and DECREED that:

(1) The Chapter 13 Trustee is authorized and directed to modify the distributions to the above-named Creditor for the Trial Modification Period. Each Trial Payment shall be made in the Amount of \$1,325.79 for the following months: June 2017, July 2017 and August 2017. Following the Trial Modification Period, the Chapter 13 Trustee shall continue to make distributions in the same amount as the Trial Payments until further Order of Court.

(2) In the event that a Permanent Modification is reached between the Parties, the Debtors *immediately* shall file a *Motion to Authorize the Loan Modification* in compliance with *W.PA.LBR 9020-6(d)*.

(3) The LMP Period is extended until fourteen (14) days after the expiration of the Trial Modification Period. If the Debtors have not filed a *Motion to Authorize the Loan Modification* within fourteen (14) days after the expiration of the Trial Modification Period, then the Debtors shall *immediately* file and serve either a *Motion to Extend the Loss Modification Period* pursuant to *W.PA.LBR 9020-5(b)* or a *Motion to Terminate the Loss Modification Program* pursuant to *W.PA.LBR 9020-5(c)* that sets forth the specific reasons why an agreement was not reached.

(4) Any Party may seek a further hearing regarding the amendment or termination of this *Order* at any time during the Trial Modification Period by filing an appropriate Motion.

(5) Within three (3) days of entry of this *Order*, Debtors shall serve this *Order* electronically on the Chapter 13 Trustee at the following email address: LMP@chapter13trusteewdpa.com and the Debtors shall not be entitled to rely on CM/ECF or United States Mail for service of this *Order* on the Chapter 13 Trustee. The Debtors' Certificate of Service shall reflect service upon the above identified email address.



JEFFERY A. DELLER
CHIEF U. S. BANKRUPTCY JUDGE

Case administrator to serve:
Debtor(s)
Counsel for Debtor(s)
[Counsel for Creditor]
Ronda J. Winneccour, Esq. Ch 13 Trustee

FILED
5/10/17 5:51 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Clair E Kelly
 Brenda S Kelly
 Debtors

Case No. 16-70837-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: mgut
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: May 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2017.

db/jdb +Clair E Kelly, Brenda S Kelly, 233 Hillcrest Street, Northern Cambria, PA 15714-1508

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmllawgroup.com
 Kenneth P. Seitz on behalf of Joint Debtor Brenda S Kelly thedebterasers@aol.com
 Kenneth P. Seitz on behalf of Debtor Clair E Kelly thedebterasers@aol.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmeccf@chapter13trusteewdpa.com

TOTAL: 5